

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTICIA MACALOU,

Plaintiff,

22-cv-10439 (PKC)

-against-

ORDER

FIRST UNUM LIFE INSURANCE COMPANY,  
et al.,

Defendants.

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CASTEL, U.S.D.J.

This is an action by Anticia Macalou to recover, pursuant to the Employee Retirement Income Security Act of 1974 (“ERISA”), long-term disability benefits under an employee benefits plan administered by First Unum Life Insurance Company. (ECF 1). She asserts she is entitled to these benefits because she is disabled within the meaning of the benefits plan due to her 1) major depressive disorder, 2) anxiety disorder, 3) post-traumatic stress disorder, and 4) attention deficit/hyperactivity disorder. (ECF 1, at 2). These basic facts, foundational to this action, are not entitled to sealing as the common law presumption of public access to this information outweighs Macalou’s privacy interest in this information. Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). Indeed, the complaint filed by Macalou describing these conditions and her symptoms in depth was available on the public docket for approximately fourteen months. Accordingly, the Court respectfully requests that the Clerk of Court unseal the complaint filed at ECF 1.

On December 12, 2023, the Court granted the joint request of the parties that this matter be tried to Court pursuant to Rule 52(a) based upon a stipulated administrative record. (ECF 44). On February 28, 2024, the Court provisionally granted Macalou's request that the complaint, stipulated administrative record (ECF 48-1 through 48-11), and briefing materials be sealed on the express condition that Macalou file a redacted version of these documents within thirty days. The redacted versions of these documents filed by Macalou as exhibits at ECF 71 are inadequate. They appear to redact nearly the entirety of each document the Court granted her leave to file under seal. Within seven days, Macalou shall file unsealed and redacted versions of these documents that are narrowly tailored to redact only medical information unrelated to the medical conditions at issue in this action and personal information, described below. As discussed above, information pertaining to the medical conditions forming the basis of Macalou's alleged disability—her major depressive, anxiety, post-traumatic stress, and attention deficit/hyperactivity disorders—is not entitled to sealing and shall not be redacted.

A different issue pertains to the sealed administrative record. The sealed administrative record (ECF 48-1 through ECF 48-11) contains significant redactions. The Court is thus unable to review significant portions of the administrative record. The sealed administrative record should not contain any redactions. The parties shall file under seal an unredacted administrative record by April 19, 2024.

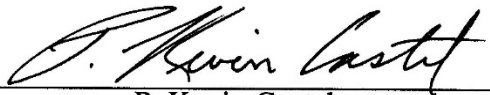
To avoid doubt, by April 19, 2024, the parties shall file under seal the administrative record containing no redactions. By April 19, 2024, plaintiff Anticia Macalou shall file redacted versions of the below documents that are narrowly tailored to redact only medical information that does not relate to the medical conditions at issue in this action and

personal information, e.g., social security numbers, account numbers, email addresses, phone numbers, and personal addresses:

- The administrative record (ECF 48-1 through ECF 48-11)
- First Unum's trial brief and statement of proposed facts (ECF 49 & ECF 49-1)
- Macalou's proposed findings of fact and conclusions of law (ECF 52) and trial brief (ECF 53)
- First Unum's opposition brief and corresponding exhibits (ECF 57, 57-1, 57-2)
- First Unum's response to Macalou's statement of proposed of facts (ECF 58) and Macalou's response to First Unum's statement of proposed facts (ECF 59)
- Macalou's opposition brief (ECF 60)
- First Unum's reply brief (ECF 68)
- Macalou's reply brief (ECF 69)

The Clerk of Court is respectfully requested to unseal the complaint in this case filed at ECF 1.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 12, 2024